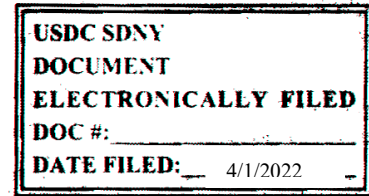


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
ALTAGRACIA SANTANA, et al.,

Plaintiffs,

21-CV-08724 (PGG)(SN)

-against-

ORDER

PETER GRAVAGNA, et al.,

Defendants.
-----X

SARAH NETBURN, United States Magistrate Judge:

On March 14, 2022, Plaintiffs filed a letter motion urging the Court to impose sanctions against Defendants under Rule 11 of the Federal Rules of Civil Procedure, and to “reconsider more serious action to determine the validity of the defendants [sic] identities and relationships.” ECF No. 88. As stated in the Court’s February 9, 2022 Order, ECF No. 80, the Court is proceeding under the assumption that Peter Kreatsoulas and Peter Gravagna are two different people. The Court declines to reconsider its approach at this time.

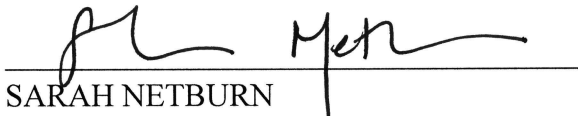
With respect to the motion for Rule 11 sanctions, Plaintiffs must serve such a motion on Defendants under Rule 5. Furthermore, Plaintiffs may not present the motion to the court “if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service.” Fed. R. Civ. P. 11(c)(2). The Court interprets Plaintiffs’ safe harbor notices, ECF Nos. 92-95, as an effort to comply with this requirement. To the extent that Plaintiffs have served papers on Defendants under Rule 5, Defendants’ opposition is STAYED. The Court will hear argument on the matters raised in Plaintiffs’ letter motion at a later date. Plaintiffs will be given an opportunity to address these issues then. Plaintiffs are reminded that

they too may be sanctioned for presenting motions “for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.” Fed. R. Civ. P. 11(b)(1).

Additionally, on March 17, 2022, Plaintiffs filed a second letter motion responding to the reply filed by Defendants Hertz Cherson & Rosenthal, Janet Goldstein, Steven Hertz, Michael Taylor, Orquieda Rivera, and Heath Tygar, with regard to those Defendants’ motion for summary judgment. ECF No. 91. The Court interprets this letter to be a sur-reply, which is not permitted without prior permission of the Court.¹ Accordingly, in resolving the relevant motion for summary judgment, the Court will not consider ECF No. 91.

The Clerk of Court is respectfully directed to strike the Plaintiffs’ letters at ECF Nos. 88 and 91. The Clerk of Court is further respectfully directed to mail this order to *pro se* Plaintiffs Altagracia Santana and Genesis Cabrera.

SO ORDERED.


SARAH NETBURN
United States Magistrate Judge

DATED: April 1, 2022
New York, New York

¹ See Magistrate Judge Netburn’s Individual Practices in Civil Cases (revised June 28, 2021), https://www.nysd.uscourts.gov/sites/default/files/practice_documents/sn%20Netburn%20INDIVIDUAL%20PRACTICES%20IN%20CIVIL%20CASES.pdf.